

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TENNESSEE

IN RE:

APPALACHIAN OIL COMPANY, INC.

Debtor

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CASE NO. 2:09-bk-50259  
Chapter 11

**RESPONSE TO TRAVELERS CASUALTY AND  
SURETY COMPANY OF AMERICA'S  
MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

The Debtor, Appalachian Oil Company, Inc. ("APPCO"), submits the following response to Travelers Casualty and Surety Company of America's ("Travelers") Motion for Relief From the Automatic Stay (the "Motion").

The Debtor does not oppose the Motion, to the extent that the funds in the Funds Account (as defined in the Motion) are used for the payment of the underlying principal amount of the taxes, and not used for the payment toward any interest or penalties that may be due on the fuel taxes owed by the Debtor. The Debtor requests that Travelers attempt to maximize the Funds Account in order to reduce the principal balance on any pending tax claim to which Travelers has an obligation to honor under the various bonds issued by it. Thus, the Debtor does not oppose the motion provided the Funds Account is not utilized to pay interest or penalties on any outstanding tax claim.

**HUNTER, SMITH & DAVIS, LLP**

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on May 13, 2009 the **Response to Travelers Casualty and Surety Company of America's Motion for Relief From the Automatic Stay** was filed electronically. The following parties will receive copies of this document. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties, if any, have been served by hand delivery, overnight delivery, facsimile transmission, or by mailing a copy of same by United States Mail, postage prepaid.

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